

REMARKS

In the Office Action,¹ the Examiner rejected claims 9 and 59-66 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,579,141 to Suzuki et al. ("Suzuki"), in view of Schadt et al., 31 Japanese Journal of Applied Physics 2155 (1992) ("Schadt"), and U.S. Patent No. 5,464,669 to Kang et al. ("Kang").

By this amendment, Applicants have amended claims 9, 59, and 66. Claims 9 and 59-66 remain pending. Of these, claim 9 is independent.

Applicants respectfully traverse the rejection of claims 9 and 59-66 under 35 U.S.C. § 103(a) as being unpatentable over Suzuki in view of Schadt and Kang. To establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a), each of three requirements must be met. First, all the claim limitations must be taught or suggested by the prior art. See M.P.E.P. § 2143.03 (8th ed., rev. 2, May 2004). Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references in a manner resulting in the claimed invention. Third, a reasonable expectation of success must exist. Moreover, each of these requirements must "be found in the prior art, not in applicant's disclosure." M.P.E.P. § 2143 (8th ed., rev. 2, May 2004).

However, the references, taken alone or in combination with other references, do not teach or suggest each and every element recited in amended claim 9. For example,

¹ The Office Action contains statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

amended claim 9 recites, among other things: “exposing said second alignment layer to unpolarized light in an oblique direction to form *a plurality of pretilt angles and a plurality of pretilt directions* on said second alignment layer, each pretilt angle being controlled by photo-energy.” The Examiner properly observed that Suzuki fails to disclose “exposing said second alignment layer to unpolarized light in an oblique direction to form a plurality of pretilt angles and a plurality of pretilt directions on said second alignment layer, each pretilt angle being controlled by photo-energy,” as claimed. See Office Action, page 3.

To attempt to cure this acknowledged deficiency in Suzuki, the Examiner alleged that it is “notoriously well known in the art to form pretilt angles with different directions” See Office Action, page 3. However, the Examiner has not shown any reference to substantiate this allegation. Further, he has shown no suggestion in the prior art of “*a plurality of pretilt angles and a plurality of pretilt directions on said second alignment layer*,” as claimed. All actions on the merits issued by an Examiner must “be complete and clear as to all matters.” 37 C.F.R. § 1.104(b). See also M.P.E.P. § 707.07. Specifically, 37 C.F.R. § 1.104(c)(2) provides that

“[i]n rejecting claims for want of novelty or for obviousness, the examiner must cite the best reference at his or her command. *When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference ... must be clearly explained...*” (emphasis added).

See also M.P.E.P. § 707.

Therefore, should the Examiner continue to reject claim 9 as unpatentable under 35 U.S.C. § 103(a), Applicants request that the Examiner provide specific citations to the references relied upon to support such a rejection.

The Examiner further alleged that Figure 2 of Schadt discloses “UV rays including unpolarized light.” See Office Action, page 3. However, Schadt discloses a liquid crystal aligning mechanism that occurs when polymerizing photopolymers with *linearly polarized* light. (Schadt, p. 2155, col. 1, ¶ 2.) Figure 2 shows a high pressure mercury lamp (Hg-Lamp) in series with a Glan-Thompson polarizer (Polarizer P) exposing a photopolymer to *linearly polarized* UV light. Exposing a photopolymer to *linearly polarized* light does not constitute “exposing said second alignment layer to *unpolarized* light in an oblique direction . . . ” as claimed.

Kang similarly discloses a method for forming an orientation film on photopolymer by irradiating the photopolymer with linearly polarized UV light. See Kang, Abstract. Therefore, Kang fails to cure the deficiency of Suzuki and Schadt because it also does not teach or suggest exposing said second alignment layer to unpolarized light.

Because the combination of Suzuki, Schadt, and Kang does not teach or suggest each and every element recited in the claims, the 35 U.S.C. § 103(a) rejection of claim 9 and claims 59-66, which depend from independent claim 9, should be withdrawn.

Conclusion

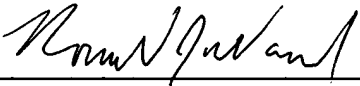
In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this amendment and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: August 4, 2005

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